

109TH CONGRESS  
2D SESSION

# S. 1131

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## AN ACT

To authorize the exchange of certain Federal land within  
the State of Idaho, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Idaho Land Enhance-  
5       ment Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGREEMENT.—The term “Agreement”  
 4 means the agreement executed in April 2005 entitled  
 5 “Agreement to Initiate, Boise Foothills—Northern  
 6 Idaho Land Exchange”, as modified by the agree-  
 7 ment executed in March 2006 entitled “Amendment  
 8 No. 1”, and entered into by—

9 (A) the Bureau of Land Management;

10 (B) the Forest Service;

11 (C) the State; and

12 (D) the City.

13 (2) BUREAU OF LAND MANAGEMENT LAND.—

14 The term “Bureau of Land Management land”  
 15 means the approximately 605 acres of land adminis-  
 16 tered by the Bureau of Land Management (includ-  
 17 ing all appurtenances to the land) that is proposed  
 18 to be acquired by the State, as identified in exhibit  
 19 A2 of the Agreement and as generally depicted on  
 20 the maps.

21 (3) BOARD.—The term “Board” means the  
 22 Idaho State Board of Land Commissioners.

23 (4) CITY.—The term “City” means the city of  
 24 Boise, Idaho.

1           (5) FEDERAL LAND.—The term “Federal land”  
 2       means the Bureau of Land Management land and  
 3       the National Forest System land.

4           (6) MAPS.—The term “maps” means maps 1  
 5       through 7 entitled “Parcel Identification Map: Idaho  
 6       Lands Enhancement Act Land Exchange” and  
 7       dated February 28, 2006.

8           (7) NATIONAL FOREST SYSTEM LAND.—The  
 9       term “National Forest System land” means the ap-  
 10      proximately 7,220 acres of land (including all appur-  
 11      tenances to the land) that is—

12           (A) administered by the Secretary of Agri-  
 13      culture in the Idaho Panhandle National For-  
 14      ests and the Clearwater National Forest;

15           (B) proposed to be acquired by the State;

16           (C) identified in exhibit A2 of the Agree-  
 17      ment; and

18           (D) generally depicted on the maps.

19           (8) SECRETARY.—The term “Secretary” means  
 20      the Secretary of the Interior.

21           (9) STATE.—The term “State” means the State  
 22      of Idaho, Department of Lands.

23           (10) STATE LAND.—The term “State land”  
 24      means the approximately 11,815 acres of land (in-  
 25      cluding all appurtenances to the land) administered

1 by the State that is proposed to be acquired by the  
 2 United States, as identified in exhibit A1 of the  
 3 Agreement and as generally depicted on the maps.

4 **SEC. 3. LAND EXCHANGE.**

5 (a) IN GENERAL.—In accordance with the Agreement  
 6 and this Act, if the State offers to convey the State land  
 7 to the United States, the Secretary and the Secretary of  
 8 Agriculture shall—

9 (1) accept the offer; and

10 (2) on receipt of title to the State land, simulta-  
 11 neously convey to the State the Federal land.

12 (b) VALID EXISTING RIGHTS.—The conveyance of  
 13 the Federal land and State land shall be subject to all  
 14 valid existing rights.

15 (c) EQUAL VALUE EXCHANGE.—

16 (1) IN GENERAL.—The value of the Federal  
 17 land and State land to be exchanged under this  
 18 Act—

19 (A) shall be equal; or

20 (B) shall be made equal in accordance with  
 21 subsection (d).

22 (2) APPRAISALS.—The value of the Federal  
 23 land and State land shall be determined in accord-  
 24 ance with appraisals—

25 (A) conducted in accordance with—

1 (i) the Uniform Appraisal Standards  
2 for Federal Land Acquisitions; and

3 (ii) the Uniform Standards of Profes-  
4 sional Appraisal Practice;

5 (B) reviewed by an interdepartmental re-  
6 view team comprised of representatives of Fed-  
7 eral and State agencies; and

8 (C) approved by the Secretary or the Sec-  
9 retary of Agriculture, as appropriate.

10 (3) TERM OF APPROVAL.—The term of ap-  
11 proval of the appraisals by the interdepartmental re-  
12 view team is extended to September 13, 2008.

13 (d) CASH EQUALIZATION.—

14 (1) IN GENERAL.—If the value of the Federal  
15 land and State land is not equal, the value may be  
16 equalized by the payment of cash to the United  
17 States or to the State, as appropriate, in accordance  
18 with section 206(b) of the Federal Land Policy and  
19 Management Act of 1976 (43 U.S.C. 1716(b)).

20 (2) DISPOSITION AND USE OF PROCEEDS.—

21 (A) DISPOSITION OF PROCEEDS.—Any  
22 cash equalization payments received by the  
23 United States under paragraph (1) shall be de-  
24 posited in the fund established under Public

1           Law 90–171 (commonly known as the “Sisk  
2           Act”) (16 U.S.C. 484a).

3           (B) USE OF PROCEEDS.—Amounts depos-  
4           ited under subparagraph (A) shall be available  
5           to the Secretary of Agriculture, without further  
6           appropriation and until expended, for the acqui-  
7           sition of land and interests in land for addition  
8           to the National Forest System in the State.

9           (e) TIMING.—It is the intent of Congress that the  
10          land exchange authorized and directed by this Act shall  
11          be completed not later than 180 days after the date of  
12          enactment of this Act.

13          (f) RIGHTS-OF-WAY.—

14           (1) RIGHTS-OF-WAY TO NATIONAL FOREST SYS-  
15          TEM LAND.—The Secretary of Agriculture, under  
16          the authority of the Federal Land Policy and Man-  
17          agement Act of 1976 (43 U.S.C. 1701 et seq.), shall  
18          convey to the State any easements or other rights-  
19          of-way to National Forest System land that are—

20           (A) appropriate to provide access to the  
21          National Forest System land acquired by the  
22          State; and

23           (B) agreed to by the Secretary of Agri-  
24          culture and the State.

1           (2) RIGHTS-OF-WAY TO STATE LAND.—The  
 2       State shall convey to the United States any ease-  
 3       ments or other rights-of-way to land owned by the  
 4       State that are—

5           (A) appropriate to provide access to the  
 6       State land acquired by the United States; and

7           (B) agreed to by—

8               (i) the Secretary or the Secretary of  
 9       Agriculture; and

10           (ii) the State.

11       (g) COSTS.—The City, either directly or through a  
 12       collection agreement with the Secretary and the Secretary  
 13       of Agriculture, shall pay the administrative costs associ-  
 14       ated with the conveyance of the Federal land and State  
 15       land, including the costs of any field inspections, environ-  
 16       mental analyses, appraisals, title examinations, and deed  
 17       and patent preparations.

18   **SEC. 4. MANAGEMENT OF FEDERAL LAND.**

19       (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
 20       TION.—

21           (1) IN GENERAL.—There is transferred from  
 22       the Secretary to the Secretary of Agriculture admin-  
 23       istrative jurisdiction over the land described in para-  
 24       graph (2).

1           (2) DESCRIPTION OF LAND.—The land referred  
 2           to in paragraph (1) is the approximately 2,110 acres  
 3           of land that is administered by the Bureau of Land  
 4           Management and located in Shoshone County,  
 5           Idaho, as generally identified in exhibit A3 of the  
 6           Agreement.

7           (3) WILDERNESS STUDY AREAS.—Any land  
 8           designated as a Wilderness Study Area that is trans-  
 9           ferred to the Secretary of Agriculture under para-  
 10          graph (1) shall be managed in a manner that pre-  
 11          serves the suitability of land for designation as wil-  
 12          derness until Congress determines otherwise.

13          (b) ADDITIONS TO THE NATIONAL FOREST SYS-  
 14          TEM.—The Secretary of Agriculture shall administer any  
 15          land transferred to, or conveyed to the United States for  
 16          administration by, the Secretary of Agriculture in accord-  
 17          ance with—

18               (1) the Act of March 1, 1911 (commonly known  
 19               as the “Weeks Act”) (16 U.S.C. 480 et seq.); and

20               (2) the laws (including regulations) applicable  
 21               to the National Forest System.

22          (c) LAND TO BE MANAGED BY THE SECRETARY.—  
 23          The Secretary shall administer any State land conveyed  
 24          to the United States under this Act for administration by  
 25          the Secretary in accordance with—



1           (1) the Federal Land Policy and Management  
2       Act of 1976 (43 U.S.C. 1701 et seq.); and

3           (2) other applicable laws.

4       (d) LAND AND WATER CONSERVATION FUND.—For  
5       purposes of section 7 of the Land and Water Conservation  
6       Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of  
7       the Idaho Panhandle National Forests and the Clearwater  
8       National Forest shall be considered to be the boundaries  
9       of the Idaho Panhandle National Forests and the Clear-  
10      water National Forest, respectively, as of January 1,  
11      1965.

12   **SEC. 5. MISCELLANEOUS PROVISIONS.**

13       (a) LEGAL DESCRIPTIONS.—The Secretary, the Sec-  
14      retary of Agriculture, and the Board may modify the de-  
15      scriptions of land specified in the Agreement to—

16           (1) correct errors; or

17           (2) make minor adjustments to the parcels  
18      based on a survey or other means.

19       (b) REVOCATION OF ORDERS.—Subject to valid exist-  
20      ing rights, any public land orders withdrawing any of the  
21      Federal land from appropriation or disposal under the  
22      public land laws are revoked to the extent necessary to  
23      permit disposal of the Federal land.

24       (c) WITHDRAWALS.—

1           (1) FEDERAL LAND.—Subject to valid existing  
2       rights, pending completion of the land exchange, the  
3       Federal land is withdrawn from—

4                   (A) all forms of location, entry, and patent  
5       under the mining and public land laws; and

6                   (B) disposition under the mineral leasing  
7       laws and the Geothermal Steam Act of 1970  
8       (30 U.S.C. 1001 et seq.).

9           (2) STATE LAND.—Subject to valid existing  
10      rights, the land transferred to the United States  
11      under this Act is withdrawn from—

12                   (A) all forms of location, entry, and patent  
13      under the mining and public land laws; and

14                   (B) disposition under the mineral leasing  
15      laws and the Geothermal Steam Act of 1970  
16      (30 U.S.C. 1001 et seq.).

17           (3) EFFECT.—Nothing in this section precludes  
18      the Secretary or the Secretary of Agriculture from  
19      using common varieties of mineral materials for con-

- 1       struction and maintenance of Federal roads and fa-
- 2       cilities on the State land acquired under this Act.

Passed the Senate September 29, 2006.

Attest:

*Secretary.*

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